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ジェラルド・マクリン教授
追悼記事

The Works of Professor Gerald P. McAlinn

David G. Litt

Professor Gerald P. McAlinn, known to his friends as “Jerry”, passed away on May 2, 2016 after a lengthy illness.

Jerry was instrumental in establishing Keio University Law School’s reputation as a law school with a strong commitment to international and comparative law, with a curriculum that includes a wealth of courses designed to train lawyers to handle cross-border transactions and disputes.

He joined Keio University Law School (KLS) as a Professor in 2004 upon the establishment of the law school. He oversaw KLS’ curriculum taught in English language from its establishment until his illness required him to step away from teaching in late 2015. Jerry recruited many KLS adjunct instructors from among Tokyo’s leading international practitioners, and he hosted and collaborated with visiting scholars from around the world. Without Jerry’s efforts for more than a decade, KLS would not have been in a position to launch its LL.M. in Global Legal Practice this year.

At KLS, Jerry taught a wide range of classes—everything from international business transactions to comparative constitutional law. He was beloved by his students, and he followed with interest not only their legal careers, but their broader development as husbands and wives, mothers and fathers, and members of their communities. He always offered an encouraging word, and he

found much happiness in their successes.

Jerry authored, co-authored or edited numerous academic works. Jerry edited two guides to Japanese business law, *The Business Guide to Japan* (Butterworth-Heinemann, 1995) and the larger and even more comprehensive *Japanese Business Law* (Kluwer Law International, 2007). He also co-edited, with Caslav Pejovic, *Law and Development in Asia* (Routledge, 2012), which grew out of a conference several years earlier at Kyushu University. I would like to briefly introduce two excellent, well-received casebooks that Jerry co-authored, both of which are published by a leading U.S. legal publisher, the Carolina Academic Press. One of these books introduces Japanese law to U.S. law students, while the other introduces American law to Japanese and other non-U.S. lawyers and legal scholars.

Together with Kenneth Port and Salil Mehra, Jerry co-authored *Comparative Law: Law and the Process of Law in Japan*, the third edition of which was released in 2015. It is one of the leading, most up-to-date sources in English language on Japanese law and the Japanese legal system. The book covers a very broad range of areas of Japanese law, including the Constitution and the structure of the judiciary and the legal profession, and uses many hard-to-find primary sources in English translation. It is all at a level of detail that is perfect for an advanced U.S. law school class. The book makes an excellent case for the study of Japanese law as comparative law. The book's focus is not so much on doctrine as on process. Why does Japan start with similar substantive statutory provisions to other countries, yet reach different outcomes? As the introductory chapter notes, the experience of understanding and explaining a different legal system better equips the American law student for analysis and discussion of his or her own system.

Jerry also authored, with Dan Rosen and John P. Stern, two other Americans teaching in law schools in Japan, *Introduction to American Law*, the second edition of which was released in 2010. This book was designed in order to introduce international lawyers and legal scholars to U.S. law, and is often used in a course students will take as they enter an LL.M. program at a leading law school in the United States.

The third edition of Introduction to American Law, which I have joined and worked on together with Dan Rosen and Bruce Aronson, will be published in the summer of 2017. Jerry, and John Stern, who passed away several years ago, will continue to be shown as co-authors since the book still largely reflects their efforts. Some areas of U.S. law have undergone much change over the seven years since the second edition was published, so the book did need updating. But it has been a real challenge for us to figure out how to update Jerry's work without diminishing its quality. Jerry had a kind of "perfect pitch" in understanding exactly what to emphasize, and how to do so, so that his students would learn, and love, the law. His trademark exhortation to students was "We love law!" And somehow, they did.

Jerry was from Philadelphia, Pennsylvania. He attended Temple University, where he received a B.A. in Sociology, and then the University of Pennsylvania Law School, where he received his J.D. and was elected co-President of the law school class of 1979. He continued his legal studies in England and received an LL.M. from Trinity College, Cambridge University as a Gowen Fellow, then served as a law clerk to the Honorable Leon Higginbotham, Jr. of the U.S. Court of Appeals for the Third Circuit in Philadelphia.

Early in his career, Jerry practiced law at Gibson, Dunn & Crutcher and Anderson, Mori & Rabinowitz, then served as in-house counsel with Arco Chemical Asia Pacific and then Nippon Motorola. Before joining KLS, he taught as an Associate Professor and then Professor of Law at Aoyama Gakuin University from 1994 to 2004. And he also somehow managed to find the time to teach classes as an adjunct faculty member at numerous institutions in Japan and abroad.

More recently, while at KLS, Jerry served as an arbitrator in the resolution of international disputes, as an external director (*shagai torishimariyaku*) or auditor (*kansayaku*) for companies, as well as serving three separate terms as a Governor (*riji*) of the Tokyo American Club. He also served as Of Counsel to Ushijima & Partners, and even translated from Japanese into English a number of well-received novels written by Shin Ushijima, the Ushijima firm's founder and one of Jerry's longtime friends. Then again, Jerry had many, many longtime

friends. He picked them up at each stage of his life, and they stayed with him for the duration.

Jerry was an amateur athlete in his youth and, while studying law at Cambridge University as a post-graduate student, he was recruited to join the Cambridge varsity boxing team and to represent the university in its annual match against Oxford (now in its 109th season). He defeated his much taller and bigger Oxford opponent, knocking him out only 35 seconds into the match. Those in attendance reported that Jerry's punch had lifted his opponent 6 inches into the air, his left hook "a weapon that earned Jerry the appellation 'pocket battleship' from the *London Times*," as reported in the University of Pennsylvania Law School alumni magazine.

He is survived by his wife Sachiko, son Kenichiro and daughter-in-law Rika, and daughter Miki.

Jerry was an inspiration to all of us.